

REMARKS

This Amendment is submitted in response to the Office Action of June 15, 2005 (hereinafter "the Office Action"). Upon entry of this Amendment, claims 1-20 will be pending, including newly submitted claims 18-20.

All references to the claims, except as noted, will be made with reference to the claim list above beginning on page 3. All references to "the Office Action," except as noted, will be referencing the most recent Office Action dated June 15, 2005. Line numbers in the Office Action, except as noted, will count every printed line, except the page header, but including section headings. Explanations of prior art references are based on the undersigned's best understanding thereof. If there is any confusion or questions regarding any aspect of this Amendment, the Examiner is invited to contact the undersigned.

Amendment

Paragraph 29 is amended to correct a typographical error. Claims 1, 6, 7, 11, and 15-17 are amended to correct for informalities and better define the invention. New claims 18-20 are added. No new matter is entered by this Amendment.

Claim Rejections 35 U.S.C. § 102(b)

Claims 1, 2, 4, and 10 stand rejected under 35 U.S.C. § 102(b) for being unpatentable over U.S. Patent 3,051,155 issued to Mehl et al. (hereinafter, "Mehl"). Applicant has amended claim 1 to further distinguish the invention from Mehl. Mehl teaches a lawn mower engine starter having a raised platform for supporting and securing a lawn mower. The engine starter includes an engagement structure adapted particularly for lawnmower engine blades. Claim 1 now specifies that the cutting head engaging structure is adapted to engage the spool portion of the cutting head of the trimmer (lines 6-7). There is no prior art of record that suggests engaging an electric starter to a spool head of a trimmer. Since the prior art fails to teach or suggest this feature, Applicant respectfully submits that claim 1 is now allowable. Furthermore, since claims 2-5, 8-14, and 18-20 depend from claim 1, these claims are allowable for at least the same reason as claim 1.

In addition, Claim 2 sets forth a housing wherein the cutting head engaging structure is locked to a shaft extending from a housing. Mehl does not disclose a housing. Furthermore, Mehl does not show a shaft extending from the housing.

Claim Rejections 35 U.S.C. § 103(a) Mehl

Claims 3, 5, 6, 8, 9, and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Mehl. Applicant respectfully traverses. The Office Action states that “The type of switch such as a foot switch or reversing switch or the shape of the shaft appear, absent a showing of criticality, to be obvious matters to be determined by one of ordinary skill in the art” (page 2, lines 21-23). Applicant respectfully disagrees. Initially, Applicant points out that a prima facie case of obviousness cannot be made by simply asserting that a person of ordinary skill in the art is capable of making the modification. See MPEP 2143.01, section with heading, “FACT THAT THE CLAIMED INVENTION IS WITHIN THE CAPABILITIES OF ONE OF ORDINARY SKILL IN THE ART IS NOT SUFFICIENT BY ITSELF TO ESTABLISH PRIMA FACIE OBVIOUSNESS.” For prima facie obviousness, each and every limitation must be taught or suggested by the prior art.

Claim 5 sets forth a pedal switch. The use of a pedal switch helps to ensure that the housing does not spin out under the torque effects of the electric motor as described in the specification in paragraph 17 (see published application 2005/0022391). The prior art reference Mehl includes rails (see Figures 1, 2 element 24) engaging the wheels of a lawnmower and bolts 38 (element 38 in Figure 3) to prevent unwanted relative rotation between the starter and the lawnmower. Using a pedal switch requires a downward force by a person to increase frictional forces and prevent relative rotation. There was no suggestion in the prior art to use a pedal switch.

Claim 6 has been rewritten to place it in independent form. Claim 6 requires a pressure sensing means to activate the electric motor. As with the pedal switch of claim 5, the pressure sensing means ensures adequate friction between the electric starter and the supporting surface (floor) to prevent relative slip due to the torque applied by the electric motor. See paragraph 28.

Claims 8, 9, and 11-14 are directed to a reversing switch. The prior art does not teach or suggest a reversing switch. Claim 12 is particularly directed to selectively engaging one of a plurality of gears to accommodate the reversing function.

Claim Rejections - 35 U.S.C. § 103(a) Mehl in view of Cho

Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mehl in view of published U.S. Patent Application 2002/0144408 to Cho. Applicant respectfully traverses. Claim 15 is amended to require engaging a spool portion of a cutting head into a receptacle of a cutting head engaging structure. The prior art relies on a rigid blade for transmitting torque from the starter to the engine's drive shaft. Since the step of inserting a spool portion of a trimmer into a receptacle for starting the trimmer is not heretofore known, Applicant respectfully submits that claim 15 is allowable. Since claims 16 and 17 depend from claim 15, Applicant respectfully asserts that claims 16 and 17 are allowable for at least the same reasons as claim 15.

For the reasons cited above, A Notice of Allowance is respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (650) 248-1703. A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,



Leonard Heyman
Reg. No. 40, 418